

Message Text

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SUBJ: DEFINITION OF AGGRESSION

1. FOLLOWING TEXT APPROVED BY DRAFTING GROUP ON EVENING
OF 11 APRIL.

QUOTE

THE GENERAL ASSEMBLY,
BASING ITSELF ON THE FACT THAT ONE OF THE FUNDAMENTAL PURPOSES
OF THE UNITED NATIONS IS TO MAINTAIN INT'L PEACE AND SECURITY AND
TO TAKE EFFECTIVE COLLECTIVE MEASURES FOR THE PREVENTION AND
REMOVAL OF THREATS TO THE PEACE, AND FOR THE SUPPRESSION OF ACTS
OF AGGRESSION OR OTHER BREACHES OF THE PEACE,

RECALLING THAT THE SECURITY COUNCIL, IN ACCORDANCE WITH ART-
ICLE 39 OF THE CHARTER OF THE UNITED NATIONS, SHALL DETERMINE THE
EXISTENCE OF ANY THREAT TO THE PEACE, BREACH OF THE PEACE OR ACT
OF AGGRESSION AND SHALL MAKE RECOMMENDATIONS, OR DECIDE WHAT
MEASURES SHALL BE TAKEN IN ACCORDANCE WITH ARTICLES 41 AND 42, TO
MAINTAIN OR RESTORE INT'L PEACE AND SECURITY,

RECALLING ALSO THE DUTY OF STATES UNDER THE CHARTER TO SETTLE
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THEIR INT'L DISPUTES BY PEACEFUL MEANS IN ORDER NOT TO ENDANGER

INT'L PEACE, SECURITY AND JUSTICE,

BEARING IN MIND THAT NOTHING IN THIS DEFINITION SHALL BE INTERPRETED AS IN ANY WAY AFFECTING THE SCOPE OF THE PROVISIONS OF THE CHARTER WITH RESPECT TO THE FUNCTIONS AND POWERS OF THE ORGANS OF THE UNITED NATIONS,

CONSIDERING ALSO THAT SINCE AGGRESSION IS THE MOST SERIOUS AND DANGEROUS FORM OF THE ILLEGAL USE OF FORCE, BEING FRAUGHT, IN THE CONDITIONS CREATED BY THE EXISTENCE OF ALL TYPES OF WEAPONS OF MASS DESTRUCTION, WITH THE POSSIBLE THREAT OF A WORLD CONFLICT AND ALL ITS CATASTROPHIC CONSEQUENCES, AGGRESSION SHOULD BE DEFINED AT THE PRESENT STAGE,

REAFFIRMING THE DUTY OF STATES NOT TO USE ARMED FORCE TO DEPRIVE PEOPLES OF THEIR RIGHT TO SELF-DETERMINATION, FREEDOM AND INDEPENDENCE, OR TO DISRUPT TERRITORIAL INTEGRITY,

REAFFIRMING ALSO THAT THE TERRITORY OF A STATE SHALL NOT BE VIOLATED BY BEING THE OBJECT, EVEN TEMPORARILY, OF MILITARY OCCUPATION OR OF OTHER MEASURES OF FORCE TAKEN BY ANOTHER STATE IN CONTRAVENTION OF THE CHARTER, AND THAT IT SHALL NOT BE THE OBJECT OF ACQUISITION BY ANOTHER STATE RESULTING FROM SUCH MEASURES OR THE THREAT THEREOF,

REAFFIRMING ALSO THE PROVISIONS OF THE DECLARATION ON PRINCIPLES OF INT'L LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS,

CONVINCED THAT THE ADOPTION OF A DEFINITION OF AGGRESSION OUGHT TO HAVE THE EFFECT OF DETERRING A POTENTIAL AGGRESSOR, WOULD SIMPLIFY THE DETERMINATION OF ACTS OF AGGRESSION AND THE IMPLEMENTATION OF MEASURES TO SUPPRESS THEM AND WOULD ALSO FACILITATE THE PROTECTION OF THE RIGHTS AND LAWFUL INTERESTS OF, AND THE RENDERING OF ASSISTANCE TO, THE VICTIM,

BELIEVING THAT, ALTHOUGH THE QUESTION WHETHER AN ACT OF AGGRESSION HAS BEEN COMMITTED MUST BE CONSIDERED IN THE LIGHT OF ALL THE CIRCUMSTANCES OF EACH PARTICULAR CASE, IT IS, NEVERTHELESS, DESIRABLE TO FORMULATE BASIC PRINCIPLES AS GUIDANCE FOR UNCLASSIFIED

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SUCH DETERMINATION,

ADOPTS THE FOLLOWING DEFINITION:

ARTICLE 1

AGGRESSION IS THE USE OF ARMED FORCE BY A STATE AGAINST THE SOVEREIGNTY, TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF ANOTHER STATE, OR IN ANY OTHER MANNER INCONSISTENT WITH THE

CHARTER OF THE UNITED NATIONS, AS SET OUT IN THIS DEFINITION.

EXPLANATORY NOTE: IN THIS DEFINITION THE TERM "STATE"

(A) IS USED WITHOUT PREJUDICE TO QUESTIONS OF RECOGNITION OR TO WHETHER A STATE IS A MEMBER OF THE UNITED NATIONS, AND

(B) INCLUDES THE CONCEPT OF A "GROUP OF STATES" WHERE APPROPRIATE.

ARTICLE 2

THE FIRST USE OF ARMED FORCE BY A STATE IN CONTRAVENTION OF THE CHARTER SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF AN ACT OF AGGRESSION ALTHOUGH THE SECURITY COUNCIL MAY IN CONFORMITY WITH THE CHARTER CONCLUDE THAT A DETERMINATION THAT AN ACT OF AGGRESSION HAS BEEN COMMITTED WOULD NOT BE JUSTIFIED IN THE LIGHT OF OTHER RELEVANT CIRCUMSTANCES INCLUDING THE FACT THAT THE ACTS CONCERNED OR THEIR CONSEQUENCES ARE NOT OF SUFFICIENT GRAVITY.

ARTICLE 3

ANY OF THE FOLLOWING ACTS, REGARDLESS OF A DECLARATION OF WAR, SHALL, SUBJECT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 2, QUALIFY AS AN ACT OF AGGRESSION:

(A) THE INVASION OR ATTACK BY THE ARMED FORCES OF A STATE OF THE TERRITORY OF ANOTHER STATE, OR ANY MILITARY OCCUPATION, HOWEVER TEMPORARY, RESULTING FROM SUCH INVASION OR ATTACK, OR ANY ANNEXATION BY THE USE OF FORCE OF THE TERRITORY OF ANOTHER STATE OR PART THEREOF,

(B) BOMBARDMENT BY THE ARMED FORCES OF A STATE AGAINST THE TERRITORY OF ANOTHER STATE OR THE USE OF ANY WEAPONS BY A STATE AGAINST THE TERRITORY OF ANOTHER STATE:

(C) THE BLOCKADE OF THE PORTS OR COASTS OF A STATE BY THE ARMED FORCES OF ANOTHER STATE;

(D) AN ATTACK BY THE ARMED FORCES OF A STATE ON THE LAND, SEA OR AIR FORCES, MARINE AND AIR FLEETS OF ANOTHER STATE;

(E) THE USE OF ARMED FORCES OF ONE STATE, WHICH ARE WITHIN THE UNCLASSIFIED

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TERRITORY OF ANOTHER STATE WITH THE AGREEMENT OF THE RECEIVING STATE, IN CONTRAVENTION OF THE CONDITIONS PROVIDED FOR IN THE AGREEMENT OR ANY EXTENSION OF THEIR PRESENCE IN SUCH TERRITORY BEYOND THE TERMINATION OF THE AGREEMENT;

(F) THE ACTION OF A STATE IN ALLOWING ITS TERRITORY, WHICH IT HAS PLACED AT THE DISPOSAL OF ANOTHER STATE, TO BE USED BY THAT OTHER STATE FOR PERPETRATING AN ACT OF AGGRESSION AGAINST A THIRD STATE;

(G) THE SENDING BY OR ON BEHALF OF A STATE OR ARMED BANDS, GROUPS, IRREGULARS OR MERCENAR

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